

**FILED**  
4/1/2020

PJ

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF ILLINOIS

UNITED STATES OF

AMERICA

V

CHARLES ESTELL

(  
(  
(  
(  
(

NO. 12 CR 416

MOTION FOR APPOINTMENT OF COUNSEL

Now, comes, petitioner, proceeding pro-se, asking the court to grant counsel for the following reasons :

1. Charles Estell was convicted of bank robbery and gun charges by a jury in federal court .
2. During the sentencing phase of his proceedings Mr. Estell was enhanced under the career offender statute pursuant to 4b1.1 and 2k2.4(c) .
3. Since the Supreme Court decisions in Session v dimaya 138 S.ct 1204 1212, 1223 200led 2d 549; Johnson v US 135 S.ct 2551 192 led 2d 569; US v Davis 139 S.ct 2319 204 led 2d 757. The Supreme Court have concluded that the residual clause that s used to determine whether or not a charge can meet the elements thats needed to trigger a career offender

enhancement, is unconstitutional. The court held in each case that the imposition of criminal punishment cannot be made to depend on a judge's estimation of the degree of risk posed by a crime imagined "ordinary case" .

4 . Due to the court's interpretation of what constitutes a crime of violence , now MR. Estell doesn't believe that his case fits the career offender requirements , and should be resentenced ,

IN CLOSING

Mr. Estell is asking the court to appoint counsel so his argument can be addressed .

DATE;

3/31/20

RESPECTFULLY SUBMITTED

Charles Estell  
08237-845

## Certificate of Service

I Charles Estell swear under the penalty  
of perjury THAT I mailed this notice as well  
as a motion to appoint counsel to the  
following address on this day of 3. . 20  
Clerk of the Court  
219 Dearborn  
Chicago Ill 60604

DATE: 30/3/20

Respectfully Submitted

Charles Estell

08237-045

## IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS )  
 V. )  
CHARLES ESTELL )  
 Defendant

CASE NUMBER 07CR1021001  
 DATE OF BIRTH 07/17/74  
 DATE OF ARREST 03/13/08  
 IR NUMBER 0918314 SID NUMBER 030938470

ORDER OF COMMITMENT AND SENTENCE TO  
 ILLINOIS DEPARTMENT OF CORRECTIONS  
 =====

The above named defendant having been adjudged guilty of the offense(s) enumerated below is hereby sentenced to the Illinois Department of Corrections as follows:

Count	Statutory Citation	Offense	Sentence	Class
003	720-5/18-3(a)	VEHICULAR HIJACKING	YRS _____ MOS 66	1
and said sentence shall run concurrent with count(s) _____				
_____	and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on _____		YRS _____ MOS _____	_____
_____	and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on _____		YRS _____ MOS _____	_____
_____	and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on _____		YRS _____ MOS _____	_____
_____	and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on _____		YRS _____ MOS _____	_____

On Count \_\_\_\_\_ defendant having been convicted of a class \_\_\_\_\_ offense is sentenced as a class x offender pursuant TO 730 ILCS 5/5-5-3(C) (8).

On Count \_\_\_\_\_ defendant is sentenced to an extended term pursuant to 730 ILCS 5/5-8-2.

The Court finds that the defendant is entitled to receive credit for time actually served in custody for a total credit of 0619 days as of the date of this order

IT IS FURTHER ORDERED that the above sentence(s) be concurrent with the sentence imposed in case number(s) \_\_\_\_\_  
 AND: consecutive to the sentence imposed under case number(s) \_\_\_\_\_

IT IS FURTHER ORDERED THAT COUNTS 1,2,4,5 MS NOLLE PROS. 2 YEARS MSR.

IT IS FURTHER ORDERED that the Clerk provide the Sheriff of Cook County with a copy of this Order and that the Sheriff take the defendant into custody and deliver him/her to the Illinois Department of Corrections and that the Department take him/her into custody and confine him/her in a manner provided by law until the above sentence is fulfilled

DATED APRIL 26, 2010 ENTERED 04/26/10  
 Sixth Municipal District  
 Circuit Court of Cook County

CERTIFIED BY S SKOWRONSKI  
 DEPUTY CLERK

APR 26 2010

JUDGE PANICI LUCIANO

1830

CCG N305

JNP2 04/26/10 12 12 57

Associate Judge Luciano Panici-1830

00887  
 12 CR 416

M/04993  
DP6 09.15.00 06/04/12 CAIII0000  
ILFBITP00

HDR/2L01DP60U 04993

ATN/WENTZ

THE FOLLOWING RECORD PERTAINS TO FBI/349506RA5  
SID/CA29690548

RESTRICTED - DO NOT USE FOR EMPLOYMENT, LICENSING, PLACEMENT OR  
CERTIFICATION PURPOSES

\*\*\*\*\*

DO NOT COLLECT DNA. SAMPLE NOT VERIFIED BY FINGERPRINT RECEIVED BY THE  
CAL-DNA DATA BANK. FOR INFO (510) 620-3300 OR PC296.PC296@DOJ.CA.GOV

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\*\* PALM PRINT ON FILE AT DOJ FOR ADDITIONAL INFORMATION PLEASE E-MAIL  
PALM.PRINT@DOJ.CA.GOV

\*\* III MULTIPLE SOURCE RECORD

CII/A29690548

DOB/19740717 SEX/M RAC/BLACK

HGT/602 WGT/185 EYE/BRO HAI/BLK POB/IL

NAM/001 ESTELL, CHARLES

MNU/FBI-349506RA5

\*\*\*\*

20081014 CASOSAN DIEGO

DOB:19740717

8178871A

001:11360(A) HS-SELL/FURNISH/ETC MARIJUANA/HASH

002:11359 HS-POSSESS MARIJUANA FOR SALE

20081210 CASCSAN DIEGO CENTRAL

CD216721

001:11360(A) HS-SELL/FURNISH/ETC MARIJUANA/HASH

DISPO:DISMISSED

20090109 CASCSAN DIEGO

SCD216721

001:11359 HS-POSSESS MARIJUANA FOR SALE

\*DISPO:CONVICTED

CONV STATUS:MISDEMEANOR

SEN: STAYED

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WANTS NOT CHECKED - PLEASE CHECK NCIC WANTS

\*\*\*\*\*

END OF RECORD

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> <input checked="" type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910		(COURT USE ONLY)  <div style="text-align: center;"><b>FILED</b></div> <div style="text-align: center;">Clerk of the Superior Court</div> <div style="text-align: center;">AUG 08 2019</div> <div style="text-align: center;">By: N. Salazar, Deputy</div>
PLAINTIFF <b>PEOPLE OF THE STATE OF CALIFORNIA</b>		
DEFENDANT <b>Charles Estell</b>		SUPERIOR COURT CASE NUMBER SCD216721
<b>MINUTES, RESPONSE, AND ORDER ON          PETITION FOR RESENTENCING (HS 11361.8)</b>		DISTRICT ATTORNEY NUMBER ACJ499

**TO BE FILLED OUT BY THE COURT ONLY:**

Defendant has filed a petition for resentencing/reduction and alleges pursuant to H&amp;S Code § 11361.8.

Defendant ☐ has completed his/her sentence and petitions to have the felony count(s) designated as a misdemeanor(s).☐ is still serving a sentence on the felony count(s) and petitions for resentencing.**TO BE FILLED OUT BY THE PROSECUTING AGENCY ONLY:**

The District Attorney responds:

- ☒ The District Attorney agrees that the following counts are eligible for resentencing/reduction: Ct 2: HS 11359.
- ☐ Defendant is not entitled to the relief requested.
- Reason: ☐ No counts eligible under H&S Code § 11361.8.
- ☐ Defendant has at least one prior conviction for an offense under Pen. Code § 667(e)(2)(C)(iv) or for an offense requiring registration pursuant to Pen. Code § 290(c).
- ☐ A hearing should be held to determine ☐ whether defendant poses an unreasonable risk of danger to public safety ☐ other:
- ☒ Defendant has completed his/her sentence and is entitled to have the felony conviction(s) designated as a misdemeanor(s).
- ☐ Defendant is still serving his/her sentence and is entitled to resentencing.

Date: Aug 6, 2019**Heather Trocha**Digitally signed by Heather Trocha  
Date: 2019.08.06 11:34:06 -07'00'

Deputy District Attorney

**COURT ORDER**

- ☐ The Petition is denied.
- ☒ The Petition is granted and the counts identified above are ordered designated as a misdemeanor conviction(s).
- ☐ Formal probation is now ordered converted to Probation to the Court, Same Terms and Conditions.
- ☐ The matter is ordered set for hearing or resentencing on \_\_\_\_\_, at 1:30 p.m. in Department \_\_\_\_\_ of the:
- ☐ Central Courthouse, 1100 Union St., San Diego, CA 92101
- ☐ North County Regional Center, 325 South Melrose Dr., Vista, CA 92081
- ☐ East County Regional Center, 250 East Main St., El Cajon, CA 92020
- ☐ South County Regional Center, 500 3rd Ave., Chula Vista, CA 91910

Date: 8-8-19  
Judge of the Superior Court**LORNA ALKSNE****CLERK'S CERTIFICATE**

The foregoing document, consisting of \_\_\_\_\_ pages, is a full, true, and correct copy of the ☐ original  
☐ copy on file in this office.

Clerk of the Superior Court

Date: \_\_\_\_\_ by \_\_\_\_\_, Deputy

CHARLES ESTELL #08237-045  
U.S.P. ATWATER  
P.O. BOX 019001  
ATWATER CA. 95301



CLERK OF THE COURT  
219 S. DEARBORN ST.  
CHICAGO ILL. 60604

